

IN PARLIAMENT
HOUSE OF
COMMONS
SESSION
2013 - 2014

HIGH SPEED RAIL (LONDON TO WEST MIDLANDS) BILL

Against – On Merits – Praying to be heard by counsel, &c.

TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION of **THE ISLAND PROJECT**

SHEWETH as follows:-

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House intituled “A Bill to make provision for a railway between Euston in London and a junction with the West Coast Main Line at Handsacre in Staffordshire, with a spur from Old Oak Common in the London Borough of Hammersmith and Fulham to a junction with the Channel Tunnel Rail Link at York Way in the London Borough of Islington and a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes.”
2. The Bill is presented by Mr Secretary McLoughlin, supported by The Prime Minister, The Deputy Prime Minister, Mr Chancellor of the Exchequer, Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edward Davey, and Mr Robert Goodwill.
3. Clauses 1 to 36 set out the Bill’s objectives in relation to the construction and operation of the railway mentioned in paragraph 1 above. They include provision for the construction of works, highways and road traffic matters, the compulsory acquisition of land and other provisions relating to the use of land, planning permission, heritage issues, trees and noise. They include clauses which would disapply and modify various enactments relating to special categories of land including burial grounds, consecrated land, commons and open spaces, and other matters, including overhead lines, water, building regulations and party walls, street works and the use of lorries.
4. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
5. Clauses 43 to 65 of the Bill set out a number of miscellaneous and general provisions, including provision for the appointment of a nominated undertaker (“the Nominated Undertaker”) to exercise the powers under the Bill, transfer schemes, provisions relating to statutory undertakers and the Crown, provision about the compulsory acquisition of land for regeneration, reinstatement works and provision about further high speed railway works. Provision is also made about the application of Environmental Impact Assessment Regulations.

6. The works proposed to be authorised by the Bill ("the Authorised Works") are specified in clauses 1 and 2 of and Schedule 1 to the Bill. They consist of scheduled works, which are described in Schedule 1 to the Bill and other works, which are described in clause 2 of the Bill.
7. This petition is made on behalf of the Trustees, Staff and Children who attend The Island Project School ("your Petitioner")
8. Pupils are placed at your Petitioner by 6 Local Authorities they have extremely complex and profound needs and all have a diagnosis of Autistic Spectrum Disorder ("ASD"). Many of the pupils would be described at the extreme end of the sensory processing scale and show a definite difficulty by the extreme centile scores scored in professional assessment in multiple areas of sensory processing difficulties. Many pupils have additional and multiple diagnoses.

These assessments and the associated individual planning generated as a result are generally grouped by sensory processing; modulation; behavioural and emotional responses. The nine factor groupings characterise children by their responsiveness to sensory input including: sensory seeking; emotional reactive; low endurance/tone; oral sensory sensitivity; inattention/distractibility; poor registration; sensory sensitivity; sedentary; and fine motor/perceptual.

Your Petitioner is a High Dependency Unit and all pupils are complex and extremely vulnerable with many having been outside education for a considerable period.

9. Your Petitioner is concerned that the construction and operation of the high speed railway and associated development at Diddington Lane and Hampton-in-Arden poses a risk to the education of and health and safety of your children whom attend your Petitioner. The current plans for HS2 in relation to the construction of the high speed railway mean that the continued viability of your Petitioner is severely endangered and that school life will be significantly disrupted due to the reasons listed below:

- 9.1 Your Petitioner is concerned about the impact of noise on pupil arising from construction in and around the immediate area of your Petitioner. Volume 2 Report 24 describes potential construction noise at locations closest to the construction activities and identifies your Petitioner as being subject to significant noise effects during construction. The assessment states the noise levels will rise to 55-60 dcb during periods of construction. This is significantly higher than acceptable for school teaching spaces. Your Petitioner's Ofsted Inspection identified the use of outdoor space as being integral to the teaching of the pupils at your Petitioner and therefore the anticipated noise levels in school teaching spaces will have a severe impact on the pupils.

HS2 Limited has proposed the use of less intrusive noise alarms which meet the particular safety requirements of the site, such as broadband reversing warnings, or proximity sensors to reduce the requirement for traditional reversing alarms to avoid excessive noise disruption to your Petitioner. Any additional alarms or warnings, loud speakers or loud hailers which may be required to meet safety requirements, whilst they may be considered acceptable within the noise parameters outlined in the Environmental Statement will still be unpredictable and unavoidable. This will have a direct impact on pupils who have sensory processing issues around noise.

- 9.2 Your Petitioner is concerned about the impact of vibration arising from construction in and around the immediate area of your Petitioner. Volume 2 Report 24 describes potential vibration at locations closest to the construction activities and identifies your Petitioner as being subject to significant vibration effects during construction. Due to sensory processing issues suffered by pupils at your Petitioner, sensitivity to vibration will have a detrimental impact on the pupils and may affect their ability to access education.
- 9.3 References in the published HS2 Phase One Draft Environmental Statement – Non-Technical Summary are a cause for concern. The proposal is that there would be two main construction site compounds (located off Park Lane and Diddington Lane) plus nine smaller construction site compounds in the area. There is no clarity or assurance in relation to the need for HS2 Limited to mitigate against the potential aggregate effect of the significant and prohibitive with regard to:
- 9.3.1 the increased traffic flows;
 - 9.3.2 disruption to access routes;
 - 9.3.3 the intensity of the construction programme;
 - 9.3.4 the proximity of construction site compounds of which there are a number of fixed and temporary sites in the immediate vicinity of your Petitioner;
 - 9.3.5 utility diversions;
 - 9.3.6 working hours at the construction site compound;
 - 9.3.7 unpredictability of disruption

All of the above may require a diversion which would have an adverse effect on individual pupils if the length of the journey is extended or they encounter new/different sensory input or are overwhelmed by increased visual/auditory stimuli.

- 9.4 Pupils travel to school using Diddington Lane, Kenilworth Road, A45 Coventry, A45 Birmingham and M42. HS2 Limited's plans will result in bus delays, traffic delays, temporary and permanent road closures and diversions as well as increased traffic flow.

The construction means that all of the above named access routes to your Petitioner are to be used for haulage of materials and Diddington Lane, Kenilworth Road and A45 Coventry will also be the main access routes for construction vehicles. The increased traffic flow will increase travelling time and affect physical access to the building for staff and pupils.

Pupils from six local authorities attend School and transport times vary with the longest minimum travel time currently standing at 49 minutes. Government legislation and guidance suggests that the maximum length of journey for primary school age should be 45 minutes each way and for secondary school age should be 75 minutes each way. The guidance also states that a child with special educational needs and/or disability should have a shorter maximum journey time than for mainstream pupils.

measures for any individuals that will be accessing the immediate parameters of your Petitioner.

- 9.10 HS2 Limited have failed to give adequate and serious consideration to their duty and that of your Petitioner and the relevant local authorities to protect the privacy of the pupils who can display very challenging and unusual behaviours. The location of your Petitioner and its seclusion is vital to ensuring the privacy and protection of the vulnerable pupils and the current Construction Code of Practice does not provide sufficient or adequate assurances in relation to the safeguarding of our pupils or to respect their right to privacy and human rights. The number of transient/temporary workers and their proximity to your Petitioner is likely to disrupt pupils and cause distress and increasing behaviours. This severely impacts their ability to access education.
- 9.11 HS2 Limited state that construction worksites will be under the control of a principal contractor which has a statutory duty to prevent unauthorised access to the site. The potential for increased risk of trespass or that the compound/sites will attract undesirable or possible criminal activity is a very real and significant concern given that your Petitioner will be surrounded by 'target' areas. Safeguarding dictates child protection, confidentiality and privacy MUST be protected. However the measures that would be required to do so would irrevocably alter the character of your Petitioner provision as a community based, secluded open space school. Adequate security screening or other mitigation will in itself be construction and disruption and change the integral nature of your Petitioner into something akin to a high security institution. This is not acceptable and undermines completely the ethos of your Petitioner and the essence of the learning environment.
- 9.12 Access from Hampton in Arden via Diddington Lane is being closed, and access via the Kenilworth Road/Stonebridge Island will be the only access route to School. The flooding effects which are identified by HS2 Limited as 'significant' will directly impact accessibility to your Petitioner. Your Petitioner is susceptible to flooding and is surrounded by farm land and the main route to access your Petitioner (being Stonebridge Island A45) is already prone to flooding and does so on a regular basis. On occasions this has been closed for a period of time awaiting the surface water to be drained. Neither the community forum area report nor the Code of Construction Practice provide the level of clarity or assurance to mitigate against the potential effect of flooding affecting access to and operation of your Petitioner.
- 9.13 Section 13 – CFA Report – Balsall Common and Hampton-in-Arden/No23|Water Resources and flood risk assessment states that the location of your Petitioner is located within an area at risk of flooding (the River Blythe viaduct and Shadow Brook viaduct, featured on maps CT-06-100 to CT-06-105). HS2 Limited state that during operation, disruption to agricultural traffic movements and occasional flooding in flood storage areas on agricultural land are likely to be significant effects of construction.
- 9.14 Changes to air quality will have a serious impact on many pupils at your Petitioner. HS2 Limited states that they require contractors to manage dust, air pollution, odour and exhaust emission during the construction works in accordance with Best Practicable Means. Many of your Petitioner's pupils suffer from a high level of allergies, including metal intolerances, as well as asthma. Changes to air quality will have a serious impact on these allergies and Best Practice is not acceptable due to potential health impacts.

The impact of greater traffic flows will result in disruption and delays for pupils travelling to School meaning that the amount of time they spend travelling will be in contravention of government legislation and guidance.

- 9.5 Staff travel from Birmingham, Solihull, Coventry, Derby, Leamington, Redditch and other outlying areas. The disruption to travel will impact on their ability to meet their required contractual duties due to lateness/delays. This disruption is likely to have a severe impact on pupils at your Petitioner due to the disruption to the day to day running of your Petitioner.
- 9.6 The construction and disruption to travel will directly affect the ability of pupils at Your Petitioner to access the local and wider community which is integral to the teaching and ethos of your Petitioner, thus hampering the learning and progress of the pupils at your Petitioner.
- 9.7 A large proportion of pupils at your Petitioner have multiple diagnoses, which include conditions such as epilepsy. Restricted access and increase in traffic flow using the reduced access routes around your Petitioner would mean that access for emergency vehicles would be severely affected as and when required.
- 9.8 Table 19 of the CFA Report relating to Balsall Common and Hampton-in-Arden / No 23 Traffic and Transport, sets out the typical vehicle trip generation for site compounds within the area and states that (over a minimum estimated duration of 3 years) all access routes to your Petitioner would have increased car, LGV and HGV using them causing further delays. The expected split of construction vehicles will be 75% HGV and 25% LGV. This does not account for the increase of commuter vehicles which is stated as expected to be up to 20% (12.6.10) increase during peak hours using the roads due to the road closures around your Petitioner.

As well as increasing travel time as detailed in paragraph 9.4 above, the increase in traffic means an increase in noise which will arise in a significant increase in sensory processing difficulties for many of our pupils. This will have a direct impact on their ability to :

- 9.8.1 Access education;
- 9.8.2 Inclusion in education, school and the local community;
- 9.8.3 Curriculum restrictions and reductions due to inability to access the wider community: and
- 9.8.4 Cost implications of travelling further afield to access amenities.
- 9.9 HS2 Limited report that within close proximity to Diddington Hall there will be one main construction site compound on Diddington Lane and a satellite construction site compound located on A452 Kenilworth Road plus a further nine smaller compounds to be located within the area at various times during the construction process. The compounds include temporary worker accommodation.

The compounds and temporary worker accommodation raise serious issues around the safeguarding of our pupils. All pupils are highly vulnerable due to their diagnoses and your Petitioner takes safeguarding very seriously. Your Petitioner therefore believes that extra protocols must be applied to all individuals accessing the worker accommodation and compounds so as not to jeopardise your Petitioners policies and procedures and to ensure that there are adequate and robust checks and

- 9.15 Changes to air quality will have an adverse sensory impact on many pupils who are sensitive to minute changes in environment, as well as intolerance of smell, dust etc.
- 9.16 HS2 Limited have provided maps showing sensitive areas and buffer zones where no pollutants are to be stored or used. This does not include your Petitioner, its grounds and immediate community areas. Your Petitioner has a number of pupils who are immune suppressed, and have additional health issues including extreme sensitivities and susceptibilities to toxicity. The potential impact on the health of the pupils is unacceptable.
- 9.17 Reports state that core working hours will be from 08:00 to 18:00 on week days (excluding bank holidays) and from 08:00 to 13:00 on Saturdays. In addition, there are startup and close down periods of one hour before and after startup/close down of activities. This will include deliveries, movement of plant, etc. HS2 Limited will require contractors to adhere to these core working hours for each site as far as reasonably practicable or unless otherwise permitted under section 61 of the Control of Pollution Act 1974. This effectively extends the core hours of potential disruption to pupils and school staff.
- 9.18 Tunnelling, concrete pouring, pile driving and directly associated activities (such as removal of excavated material, supply of materials and maintenance of tunnelling equipment) will be carried out on a 24-hour day, 7-day week basis. The potential suggestion of stockpiling of materials and or removal of these materials is likely to cause further disruption to your Petitioner from noise, vibration, disruption to travel, blocking of site.
- 9.19 The construction will cause considerable visual impacts to your Petitioner. Many of the pupils at your Petitioner can become overwhelmed by increased or changed visual stimuli. Potential visual disruptions include lighting at construction areas, compounds and temporary worker accommodation; visual intrusion of construction sites; pile drivers; cranes.
- 9.20 The majority of pupils are placed at your Petitioner because Local Authorities do not have any maintained capacity for the type of complex pupils your Petitioner accepts. Your Petitioner currently serves 6 local Authorities and has a waiting list. For approximately 24 of the pupils placed at your Petitioner, the cost of securing alternative independent or specialist provision can be calculated using the fees of other independent providers. Cost implications provided to HS2 Limited include a realistic calculated cost to Local Authorities of between £19,470,000 and £28,770,000 over the next decade should your Petitioner no longer be able to accept pupils.
10. Your Petitioner therefore requests that HS2 Limited be instructed to bear the cost of relocating your Petitioner to a suitable alternative site (including all incidental costs), to be agreed between HS2 Limited and your Petitioner and that suitable compensation be agreed with your Petitioner for loss of quiet enjoyment of the school and disruption to your Petitioner, its pupils and staff
11. In light of the above, your Petitioner reserves the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to our representation before the Select Committee.

12. For the foregoing and connected reasons your Petitioner respectfully submits that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.
13. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, (including their human rights) interests and property and for which no adequate provision is made to protect your Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONER THEREFORE HUMBL Y PRAY your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against such of the clauses and provisions of the Bill as affect the property, rights and interests of your Petitioner and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ~~will~~ y, &c

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and Project (Petitioner)

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SIC

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rs-Hutton as Agent of the Petitioner

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HIGH SPEED RAIL (LONDON TO WEST MIDLANDS BILL)

PETITION OF **THE ISLAND PROJECT** (Company Number : 5924196) of Diddington Hall,
Diddington Lane, Meriden, CV7 7HQ

AGAINST, By counsel, &c

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